

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
PETE AGAPITO CHAVEZ,  
Defendant.

Case No. [11-cr-00331-MMC-1](#)

**ORDER TO SHOW CAUSE RE:  
JOHNSON CLAIM RAISED IN  
SECTION 2255 MOTION**


Re: Dkt. No. 143

Before the court is defendant Pete Agapito Chavez's motion, filed June 24, 2016, for an order under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence on the ground that his sentence has been rendered invalid by the Supreme Court's holding in *Johnson v. United States*, 135 S. Ct. 2551 (2015). The claim appears colorable under 28 U.S.C. § 2255 and merits an answer from the government.

Unless the parties submit a stipulation and order for a shorter briefing schedule, the following deadlines will apply: (1) within 75 days after the motion was filed, the government shall file an opposition conforming in all respects to Rule 5 of the Rules Governing Section 2255 Proceedings, showing cause why the Court should not vacate, set aside or correct the sentence being served; (2) within 45 days after the opposition is filed, defendant shall file any reply. Thereafter, the matter will be deemed submitted on the papers, unless the court orders otherwise.

**IT IS SO ORDERED.**

Dated: July 18, 2016

  
MAXINE M. CHESNEY  
United States District Judge